

In response, applicant has amended claims 1 and 10 to recite that the signal on the electrode is monitored “by way of a wire connected to the electrode.” This is in sharp contrast to the disclosure of Kovacs which teaches the use of wireless, implanted sensors. Although at column 18, lines 15-34 of Kovacs, there is disclosure of a sensor attached to a flexible catheter, which may suggest the use of a “wired” sensor, Kovacs nevertheless makes it quite clear that the catheter is used merely to position the sensor and that after proper positioning there are “latching mechanisms [which] can be used to release transponder 146 from catheter 148 after the transponder has been guided to a desired location” (Kovacs, column 18, lines 29-31). Thus, applicant respectfully submits that Kovacs does not teach the monitoring of an electrode signal by way of a wire connected to the electrode.

Furthermore, although Kovacs mentions in passing the ability to measure electrical activity of neural tissue (Kovacs, column 15, line 57), there is no mention in Kovacs of how and where the sensor is positioned in order to sense neural tissue activity. In order to further distinguish the present invention from Kovacs, applicant has amended claims 1 and 10 to recite that the electrode is of sufficiently small size such that it is capable of being inserted into a capillary. This aspect of the present invention is nowhere disclosed in Kovacs.

Accordingly, in view of the above-discussed amendments and remarks, it is respectfully submitted that claims 1-4, 10, 11, 14 and 15, as presently amended, are patentable over the cited prior art.

Claims 18-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,651,767 to Schulman. In response, applicant has amended claim 18 to clearly distinguish over the Schulman reference. In particular, claim 18 has been amended to recite that the electrode is “of sufficiently small size such that it is capable of being inserted into a capillary.” This is in sharp contrast to the device disclosed in Schulman. Referring to Figures 5 and 6 of Schulman, in conjunction with column 7, lines 13 through 21, it is clear that the sensors disclosed in Schulman are not of a sufficiently small size such that they can be inserted into a capillary. This is because the

Each and every point raised in the Official Action of December 3, 2004 has been addressed by way of the present Amendment and Remarks. However, if the Examiner believes that direct contact with applicant's attorney will assist in the examination of this application, the Examiner is invited to telephone the undersigned attorney as indicated below. Applicant's attorney respectfully requests that the present application be examined and passed on to issue.

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Respectfully submitted,

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